REMARKS/ARGUMENTS

The final Office Action of September 25, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 19, 20, 22, 24, 26-29, 31, 34, 36-38 and 40-50 have been amended. No new matter has been added. Claims 6, 7, 10, 11, 18, 21, 32, 33, 35, 39 and 51 have been cancelled. Claim 53 has been added. Claims 1-5, 8, 9, 12-17, 19, 20, 22-31, 34, 36-38, 40-50, 52 and 53 remain pending. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 19-20 and 22-30 are allowable and for identifying allowable subject matter with respect to claims 7, 11, 35 and 39.

Claim Rejections Under 35 U.S.C. §103

Claims 1-6, 8-10, 16, 17, 31-34, 36-38, 40, 43-46, 51 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hanko et al. (U.S. Patent No. 6,438,141, "Hanko") in view of Marko et al. (U.S. Patent No. 6,876,835, "Marko"). This rejection is respectfully traversed for at least the following reasons.

Claim 1 relates to, *inter alia*, receiving, at a mobile terminal, buffered data as a digital broadcast transmission burst in a time-slicing signal, the buffered data corresponding to a first portion of an information stream, said digital broadcast transmission burst having a duration smaller than the duration of said first portion of said information stream. Contrary to the assertions of the Office Action, neither Hanko nor Marko, either separately or in combination, teaches or suggests such features. In response to Applicants' previously submitted remarks, the Office Action asserts that Hanko discloses such features at col. 3, ll. 44-45 and at col. 3, ll. 55-59. Applicants respectfully disagree. While Hanko describes that different sources can each be awarded different durations of time or time slices, Hanko lacks a teaching or suggestion that the duration of the transmission burst is smaller than *the duration of the first portion of the information stream being transmitted in the transmission burst*. The Office Action provides an example where a first source is twice as large in an amount of data to be transmitted as compared to other sources. In such a case, the Office Action argues, the first source will require multiple

time slices to complete transmission of the data at the first source. Nonetheless, nowhere does Hanko teach or suggest that the duration of a transmission burst in each of the multiple time slices is smaller than the duration of the information being transmitted in that transmission burst. Marko also fails to teach or suggest such features and thus does not cure the above-identified deficiencies of Hanko. Accordingly, notwithstanding whether the asserted combination of Hanko and Marko is proper, the asserted combination would not have resulted in the features as recited in claim 1. Claim 1 is thus allowable for at least these reasons.

Furthermore, one of ordinary skill in the art would not have been motivated to combine time division multiplexing with the teachings Hanko as Hanko clearly teaches away from such a combination. In particular, Hanko states that Significantly, Hanko teaches away from the use of time division multiplexing, stating that "the invention also avoids the complexities associated with time division multiplexing." Col. 4, ll. 17-18. Thus, even if the Office Action alleges support for transmitting a transmission burst having a duration smaller than the duration of the first portion of the information stream being transmitted in the transmission burst, as recited in claim 1, one of ordinary skill would not have been motivated to combine such a teaching with Hanko's system. Accordingly, claim 1 is allowable for this additional reason.

The Office Action further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hanko with the alleged power conservation methods and systems of Marko in order to provide a wake-up feature to automatically tune to a particular broadcast channel during a scheduled time to forward a selected message or receive a file. Applicants respectfully disagree. As submitted in Applicants previous response, there is simply no teaching or suggestion in Hanko of a need or desire for power conservation. Indeed, Hanko does not, contrary to the assertion of the Office Action, teach or suggest mobile terminals. The passage of Hanko cited by the Office Action as allegedly disclosing a mobile terminal merely states that "wireless links, digital subscriber lines (DSLs), or cable modems may also be used." Further, most, if not all, of the embodiments taught by Hanko relate to stationary computer systems that would be plugged into an electrical outlet. See, e.g., col. 7, ll. 49-60; col. 6, ll. 9-41. Thus, there would be no motivation to conserve power in Hanko because the power from an electrical outlet is virtually unlimited (for all intents and purposes). Claim 1 is thus allowable for this additional reason.

Claims 2-5, 8, 9, 16 and 17 are dependent on claim 1 and are thus allowable for at least the same reasons as claim 1 and further in view of the novel and non-obvious features recited therein.

Amended independent claim 31 recites, *inter alia*, "a transmitter configured to broadcast at least a portion of streaming information provided by an information service provider as a digital broadcast transmission burst." Neither Hanko nor Marko, either separately or in combination, teach or suggest such features. Curiously, in the Office Action's rejection, claims 1 and 31 are treated together on pp. 2-3. However, claim 31 relates to an apparatus including a transmitter and a service input buffer whereas claim 1 relates to powering-up of a digital broadcast receiver in a mobile terminal. Indeed, the Office Action does not address the features recited in claim 31. As such, the Office Action has not establish a *prima facie* rejection because the alleged rejection does not address the all of the features of claim 31.

Further, as discussed above, Hanko is devoid of a teaching or suggestion of digital broadcast systems (e.g., a transmitter for broadcasting a digital broadcast transmission burst). Referring again to Applicants' Amendment and Response of May 21, 2007, there is no teaching or suggestion in Marko of a digital broadcast transmitter including a service input buffer. Accordingly, Marko fails to cure the above-identified deficiencies of Hanko. Notwithstanding whether the combination of Hanko and Marko is proper, the asserted combination would not have resulted in the features as recited in claim 31. Claim 31 is thus allowable for at least these reasons.

Claims 32-34, 36-38, 40 and 43-45 are dependent on claim 31 and are thus allowable for at least the same reasons as claim 31 and further in view of the novel and non-obvious features recited therein.

Amended independent claim 46 recites, *inter alia*, transmitting, from a digital broadcast transmitter, streaming information as a digital broadcast transmission burst to a remote mobile terminal at a higher bit rate than the rate at which said streaming information is received from a service provider, wherein the transmission is synchronized with a powering-up of the remote mobile terminal. The Office Action alleges that Hanko discloses a digital transmitter for transmitting streaming information received from a service provider to a remote mobile terminal at a higher bit rate than the rate at which said streaming information is received from the service

provider. Applicants respectfully disagree. Hanko discloses allocating bandwidth of a predefined size among multiple data sources (e.g., multiple service providers). In the embodiments described at col. 11, line 41-col. 12, line 64, Hanko teaches that a 100 Mbps connection is divided among 12 data sources, giving each an average allocation of 8.33 Mbps. Col. 12, ll. 20-32. Nonetheless, the data from any given data source is still being transmitted at the allocated bandwidth regardless of the total bandwidth. That is, the data from all 12 sources in total are transmitted in a 100 Mbps connection. However, each data source is only transmitting at the allocated bandwidth (or bit-rate) of, e.g., 8.33 Mbps. Thus, the bit rate at which data is received from a data source (i.e., the alleged service provider) is the same as the bit rate of the transmission of the data to the receiving device, not at a higher bit rate than the rate at which streaming information is received from a service provider, as recited in claim 46. Accordingly, claim 46 is allowable for at least these reasons.

Claims 51 and 52 are dependent on claim 46 and are thus allowable for at least the same reasons as claim 46.

Claims 12-15, 41, 42 and 47-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hanko in view of Marko and further in view of Fell et al. (U.S. Patent No. 6,674,994, "Fell").

Claims 12-15, 41, 42 and 47-50 are dependent on claims 1, 31 and 46, respectively, and thus incorporate all of the features of their base independent claims. As discussed above, neither Hanko nor Marko, either separately or in combination, teaches or suggests each and every limitation of claims 1, 31 and 46. Fell fails to cure the above identified deficiencies of claims 1, 31 and 46. Indeed, Fell is not cited by the Office Action for the deficiencies identified above. Accordingly, claims 12-15, 41, 42 and 47-50 are allowable for at least these reasons.

New Claim

New claim 53 recites, *inter alia*, "wherein a size of the digital broadcast transmission burst is defined independently of a receiver bandwidth allocation." Nowhere do any of the cited references, either separately or in combination, teach or suggest such features. Not only do the references fail to teach or suggest such features, Hanko teaches, at col. 4, ll. 22-25, that a

receiver allocates available bandwidth in the communication medium based on requests from data sources. Thus, Hanko clearly teaches away from a transmission burst size being defined independently of a receiver allocation. Claim 53 is thus allowable for these reasons.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 31st day of October, 2007 By: /Chunhsi Andy Mu/

Chunhsi Andy Mu
Registration No. 58,216

1100 13th Street, N.W.
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001